

14 MARCH 1947

I N D E X
Of
EXHIBITS

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14 MARCH 1947

I N D E X
of
WITNESSES

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1 Friday, 14 March 1947

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3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before with the
14 exception of: HONORABLE MR. JUSTICE NORTHCROFT,
15 Member from the Dominion of New Zealand, now sitting,
16 and HONORABLE LORD PATRICK, Member from the United
17 Kingdom of Great Britain, not sitting.

18 For the Prosecution Section, same as before.

19 For the Defense Section, same as before.

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21 (English to Japanese and Japanese
22 to English interpretation was made by the
23 Language Section, IMTPE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present
4 except OKAWA and TOJO, who are represented by their
5 counsel. We have a certificate from the prison surgeon
6 of Sugamo certifying that the accused TOJO is ill and
7 unable to attend the trial today. The certificate will
8 be recorded and filed.

9 Mr. KAINO.

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11 K W A N J I M A Y A M A, called as a witness on
12 behalf of the defense, resumed the stand and
13 testified through Japanese interpreters as follows:

14 DIRECT EXAMINATION

15 BY MR. KAINO (Continued):

16 Q Witness, yesterday you answered that the
17 import funds were calculated according to f.o.b.
18 prices. That was the end of your answer. Was there
19 any significance that the payment was made according
20 to f.o.b. standard?

21 A Import plans on the basis of f.o.b. calcu-
22 lation is a normal practice in international peace-
23 time trade. However, after the outbreak of the Pacific
24 War in formulating the plans for material mobilization
25 the calculations were made in accordance with c.i.f.

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prices.

1 Q Was there any special reason why, after the
2 outbreak of the Pacific War, that c.i.f. standard
3 had to be adopted?

4 A The c.i.f. calculation was adopted in order
5 to assure the complete and safe arrival of goods
6 which are included in the import plans under the
7 Material Mobilization Plan. C.i.f. calculation was
8 adopted in order to avoid dangers at sea.

9 Q Have you ever received any directives
10 suggesting the coming of a war when you made up the
11 allocation of the material plan -- plan for the
12 allocation of materials to significant industries?

13 A In the formulation of a plan for the fiscal
14 year 1941 there was no directive or order or instruc-
15 tions of any kind to that effect, either from the
16 president of the Planning Board or from the army or
17 navy up to the outbreak of the Pacific War.

18 Q In what capacity did you participate in the
19 drawing up of the Material Mobilization Plan which was
20 made up in 1941 -- fiscal year 1941?

21 A I was the official in charge of material
22 mobilization.

23 Q The Material Mobilization Plan of the fiscal
24 year 1941 concerning which were there any special
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1 characteristics or any plans attached to it?

2 A Yes.

3 Q What were they?

4 A The first quarter covers April to June,
5 inclusive, and the Material Mobilization Plan for
6 that quarter must be completed by April, early part
7 of April. In view of the great -- the confusing
8 international situation and in view of the very heavy
9 demands made by the various ministries with respect
10 to materials, no prospects could be made with regard
11 to the adjustment or the formulation of plans with
12 respect of these materials. Hence the Material
13 Mobilization Plan for the first quarter of the 1940
14 fiscal year was used as a basis and a provisional
15 plan was therefore set up for the following three
16 months.

17 Q How about the later plans? What happened
18 to later plans?

19 A Annual plans were completed generally
20 around the middle of June.

21 Q Was that plan put into practice?

22 A It was not carried into effect.

23 Q What was the reason or the reasons the
24 drawn-up plan was not put into execution?
25

A Immediately before the scheduled time for

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1 the carrying into effect of the plan the German-
2 Soviet War broke out and the import plans with
3 regard to imports from Germany had to be omitted.

4 THE MONITOR: On the 22 of June the Russo-
5 German War broke out.

6 While in the midst of making revisions and
7 modifications of this plan another incident occurred
8 and that was the general ban on American exports to
9 Japan, which took place in July. Therefore it was
10 necessary to omit all import plans with the exception
11 of import plans as they concerned French Indo-China
12 and Siam. As a result of the elimination of these
13 import plans there was necessarily a decrease of from
14 forty to sixty per cent of the amount of materials
15 which had been considered in the scheduled plan.

16 Q Was there any change effected after the
17 allotment to the army and navy?

18 A With regard to adjustment of the allocation
19 of materials to the army and navy the five steps had
20 to be taken in order to meet the new contingency: the
21 utilization of domestic stocks to strengthening of the
22 collection of all available materials within the
23 country; the increased use of substitutes, that is
24 third; fourth, stringent economy; and fifth, a re-
25 adjustment of use of materials.

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1 Q Now, because of that, because of those
2 plans, was there any increase to the material
3 allotted to either army or navy?

4 A With respect to iron, I have already mentioned.
5 With respect of other materials, there was a general
6 increase in the material allocation of from five to
7 thirty percent which was completed by the end of the
8 month of August.

9 Q Was there any material the allocation of
10 which to the army or navy was decreased on account
11 of the plan?

12 A The biggest item was special steel and
13 petroleum.

14 Q On what reason or reasons the allocation of
15 the material to army and navy were increased?

16 A With the aggravation and expansion of the
17 China Incident munitions requirements became increasingly
18 great. With regard to this increased demand on muni-
19 tions materials the said increase was effected as a
20 result of consultation on the part of the various
21 government departments.

22 Q How about the civil demands -- demands by
23 private quarters?

24 A Being a rather serious question so far as
25 civilian quarters were concerned, consultations were

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1 held between the various ministries, including the
2 army and navy. As a result with respect of iron,
3 the normal demand for civilian purposes of 1,000,000
4 tons of iron was reduced by one-half to 500,000 tons.

5 Q When the Material Mobilization Plan was
6 drawn up, was it customary for each minister to make
7 direct demand to the president of the Cabinet Planning
8 Board?

9 A No, such a practice was not customary.
10 Actually the competent section within the various
11 ministries or the department or division within the
12 ministry concerned would directly approach their
13 opposing party in the Planning Board.

14 Q Was there any exception to the rule?

15 A Yes, once in the fiscal year 1941.

16 Q I request the witness to state briefly the
17 outline of that point.

18 A In September 1941 there was a supplementary
19 demand for steel tendered by the Vice-Minister of
20 Navy. At the same time parallel with that move on the
21 part of the Navy Vice-Minister a demand for extra
22 allocation of steel was made by the chief of the
23 Material Mobilization and Adjustment Bureau of the
24 Ministry of War. In regard to these demands from the
25 army and navy quarters the president of the Planning

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1 Board, in view of the fact that there was no special
2 situation or condition existing as of September, and
3 because of the extremely inferior or weak supply of
4 materials at that time, did not recognize or acknow-
5 ledge these requests. This condition continued until
6 the first part of December and the plan for carrying
7 into effect the Material Mobilization Plan for the
8 final quarter covering October to December was not
9 actually put into effect until mid-December.

10 Q The allocation of iron to the army and navy
11 which the witness referred to yesterday as of 1941,
12 did that allotment include the additional allocation
13 you have just mentioned?

14 A The figures I gave you yesterday were taken
15 from the figures as incorporated in the Material
16 Mobilization Plan and in executing or carrying into
17 effect the plan there was found -- in carrying out this
18 plan there was a decrease in the production of steel
19 and therefore there was a decrease in the manufacture
20 of steel products. In making the supplementary alloca-
21 tion about 100,000 tons were applied to the amount to
22 fill in the gap created by the decrease in production
23 and therefore I could say that there was a net increase
24 of 100,000 tons of steel.

25 Q I request the witness to explain the

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1 relationship between the production expansion plan
2 and the material allotment mobilization plan.

3 A The production volume as figured in the
4 production expansion plan and the supply volume in-
5 corporated in the Material Mobilization Plan are
6 inseparable items. I shall illustrate this with
7 steel -- with iron -- as found in the plan for the
8 fiscal year 1941. The supply capacity of iron under
9 the Material Mobilization Plan for 1941 was 4,810,000
10 tons. Of this amount 4,710,000 tons were of domestic
11 output. Domestic production, of course, includes scrap
12 iron imported from foreign countries and this figure,
13 4,710,000 tons, is the same amount as included in the
14 plan for production expansion.
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1 A (Continuing): To reach the goal of four
2 million, seven hundred and ten thousand tons as figured
3 in the production expansion plan it was necessary to
4 draw the supply thereof -- the necessary supply thereof
5 from the four million, eight hundred and ten thousand
6 tons which was the maximum amount that could be
7 supplied.

8 THE MONITOR: We are asking the witness
9 to explain because we just don't catch on to exactly
10 what he meant.

11 A (Continuing): In order to produce four
12 million, seven hundred and ten thousand tons as called
13 for in the production expansion plan, a certain amount
14 of iron is necessary. Part of the iron supply, which
15 is drawn from the four million, eight hundred and
16 ten thousand tons of iron diverted for expansion plan,
17 was also drawn from the one million, six hundred
18 thousand tons. If the figures in the outline for
19 production expansion formulated in 1939 were applied,
20 the following will be known: The production of
21 four million, seven hundred and ten thousand tons of
22 iron as called for in the production expansion plan
23 corresponds to the amount of volume of iron called
24 for in the production plan for the year 1939 which
25 was seven million, two hundred and sixty thousand tons.

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1 This should indicate how inseparable and interrelated
2 are the material mobilization plan and the production
3 expansion plan. The production expansion goal as
4 fixed in the plan for the fiscal year 1939 was not
5 actually adopted in it when formulating the material
6 mobilization plan.

7 Q What attitude did the army and navy strike
8 in attaining the plan approved in 1939 by the cabinet
9 council?

10 A Are you referring to production expansion?

11 Q Yes.

12 A From the result, they were non-cooperative.

13 Q What was the reason or reasons for assuming
14 such an attitude on the part of the army and navy?

15 A The volume that could be supplied from the
16 material mobilization plan was exceedingly small, and
17 at the Allocation Adjustment Council representatives
18 of the army and navy stated as follows: With such an
19 inferior supply capacity the army and navy representa-
20 tive said it would be impossible even to settle the
21 immediate problem which was the incident then going
22 on in China and that being the case, they would like
23 to have more materials allocated the army and navy even
24 by scrapping the production expansion plan. And in
25 accordance with the desire of the army and navy

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1 measures were taken to increase the allocation to the
2 army and navy.

3 Q What was the result of that conference?

4 A Instead of production expansion it became
5 reduction and reproduction.

6 MR. KAINO: That concludes my direct examina-
7 tion.

8 THE PRESIDENT: Well, now, a colleague desires
9 the following questions to be answered.

10 BY THE PRESIDENT:

11 Q Why were import plans after June, 1941.
12 made for French Indo-China and Siam only?

13 A Up to July, 1941, the import plan of the
14 material mobilization plan included -- still continued
15 to include items which had not been banned from im-
16 portation into Japan from foreign countries. However,
17 after July, the importation of hoped-for items from
18 abroad were banned from export from the countries of
19 origin and, therefore, plan incorporating these
20 materials had to be abandoned. At that time imports
21 from the Netherlands East Indies were also impossible.

22 Q Why were trade relations with Manchukuo dif-
23 ferent?

24 A Not being the official directly and personally
25 in charge I am not familiar with that matter.

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1 THE PRESIDENT: Brigadier Quilliam.

2 BRIGADIER QUILLIAM: May it please the
3 Tribunal, we have no questions.

4 THE PRESIDENT: The witness is released on
5 the usual terms.

6 (Whereupon, the witness was excused.)

7 THE PRESIDENT: Mr. Logan.

8 MR. LOGAN: If the Tribunal please, as
9 previously explained, we are deferring further evidence
10 on national economy and encirclement due to certain
11 difficulties which we have encountered and, with the
12 Tribunal's permission, we will now proceed with part
13 five of division one relating to the evidence of the
14 Japanese domestic conditions to show that the educa-
15 tional system of Japan was not used to foster any plan
16 of aggression -- aggressive war and that the steps
17 taken to suppress the subversive activities of the
18 Communists were unrelated to aggressive war and that
19 no propaganda was employed for any conspiracy as
20 charged in the Indictment.

21 Mr. McManus will proceed with the presenta-
22 tion of this evidence.

23 THE PRESIDENT: Mr. Logan, it is regrettable
24 you cannot proceed in the order you intended. Could you
25 give us an explanation?

1 MR. LOGAN: There are several, your Honor,
2 among which there is the question of obtaining docu-
3 ments from the United States. The other is the
4 inability of one of our colleagues to so present the
5 evidence.

6 THE PRESIDENT: Well, we give you leave
7 to open up the next stage.

8 Mr. McManus.

9 MR. McMANUS: Mr. President and Members of
10 the Tribunal:

11 This phase about to be presented for the
12 Tribunal's consideration embodies the internal and
13 external affairs of Japan just prior to and during
14 the period of time covered by the Indictment. The
15 phase also comprises the history of education in
16 Japan and propaganda. It is offered for the purpose
17 of refuting the allegations alleged in the Indictment
18 by the prosecution wherein it is charged that these
19 defendants for this period of time had been making
20 preparations for an aggressive war. As these three
21 subjects are so closely related, it is the intention
22 of the defense to present them as one phase. Even so,
23 we shall endeavor to separate them as far as they
24 can be so separated for the purpose of orderly procedure.
25

1 However, we beg the Court's indulgence if
2 perchance on a few occasions one or several documents
3 or witnesses may appear to be not entirely connec-
4 ted with the sub-division being presented, for we
5 assure the Court that such documents or witnesses
6 will be connected to at least one of the three sub-
7 divisions.

8 It is first our intention to present to
9 this Tribunal these internal and external affairs
10 concerning Japan, not for the purpose of enlighten-
11 ing the Tribunal on some facts about which the
12 Tribunal already has knowledge, but for the sole
13 purpose of enabling this Tribunal to determine
14 whether the military training in schools as was
15 carried out in Japan during the period covered in
16 this indictment and prior thereto was for the prepara-
17 tion for an aggressive war as the prosecution claims,
18 or whether or not it was for the purpose of national
19 security and self-defense; and further to enable
20 this Tribunal to determine whether or not such
21 military training was in excess of that which any
22 other nation in the world would have done under
23 similar circumstances.

24 I now offer the following documents for the
25 aforementioned purpose of revealing the internal

1 and external conditions of Japan as they affected
2 Japan directly. At this time, if the Court pleases,
3 I would like to offer defense document 674. I
4 propose to read it. It is a statement of the accused
5 ARAKI, depicting certain of these internal conditions
6 in Japan during part of the years covered in the
7 indictment. This statement was given to the prose-
8 cutors during the month of February 1946, and your
9 Honor will find reference to same on page 2214 of
10 the record, wherein Mr. Hyder stated to the Tribunal
11 that he had already turned over the English trans-
12 lation of this statement to me at that time. I now
13 tender this document and request that it be received
14 into evidence.

15 THE PRESIDENT: Mr. Tavenner.

16 MR. TAVENNER: Objection is made to the use
17 of this document in evidence for the reason that it
18 is a voluntary, self-serving declaration made by
19 one of the accused who could take the stand and
20 testify regarding these matters. It is a statement,
21 not an interrogation. It was not used as the basis
22 of interrogation.

23 THE PRESIDENT: In effect, instead of giving
24 evidence in the witness box he is handing in an un-
25 sworn statement on his own behalf and on behalf of

1 the other accused.

2 MR. TAVENNER: That is, in substance,
3 correct, yes, sir.

4 THE PRESIDENT: This isn't a statement
5 he made without any thought of these proceedings
6 many years ago. It is not in that category. It
7 is going to be hard to justify, Mr. McManus, but
8 we will hear you.

9 MR. McMANUS: I can assure the Tribunal at
10 this time, if your Honor please, that the defendant
11 ARAKI intends in the individual phase to take the
12 stand. Further, if your Honor pleases, this is a
13 statement received by the prosecution which has not
14 been marked as an exhibit by the prosecution, al-
15 though all other interrogatories have been. Further-
16 more --

17 THE PRESIDENT: I have no doubt that the
18 prosecution would gladly receive from this accused
19 a confession but nothing in the nature of an excul-
20 pation. What an accused said in answer to a prose-
21 cution interrogator, although tending to exculpate
22 the accused, would of course be admitted if it were
23 relevant; but this is not in the same class. Here
24 is a statement volunteered, a statement which should
25 really be made in the witness box. If we admit this

1 what is there to prevent all the accused from put-
2 ting the whole of their case in writing in this way
3 and leaving it at that?

4 MR. McMANUS: I have already stated to the
5 Tribunal, your Honor, that the defendant ARAKI
6 will during the individual phase take the stand.
7 This statement I am offering now is for the purpose
8 of showing the internal conditions in Japan during
9 some of the years embodied in the indictment, not
10 for the sole defense of ARAKI.

11 I call to your Honor's attention also
12 Section 4, Article 12 of the Charter, which states
13 that all purported admissions or statements of the
14 accused are admissible. I also call to the Court's
15 attention that this statement was made in February
16 1946, before the accused ARAKI was indicted.

17 THE PRESIDENT: I know that in certain
18 jurisdictions, including that of my own country, an
19 accused is allowed to make a statement from the dock,
20 if he wishes, under certain circumstances and he is
21 not subject to cross-examination. But those condi-
22 tions do not arise here. This procedure is entirely
23 new to me. But that is only my view, of course.
24 I don't see that it is necessary in the interest of
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1 justice, however.

2 I will seek the opinion of my colleagues.

3 (Pause) The majority of the Court have decided to
4 reject the statement.

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1 MR. McMANUS: For the same purpose, if the
2 Court pleases, to show the internal conditions and
3 external conditions affecting Japan directly, I now
4 offer document No. 394. It is an article from the
5 Japan Chronicle, dated August 6, 1931. It is Mr.
6 INUKAI's speech at a mass meeting.

7 THE PRESIDENT: Mr. Tavenner.

8 MR. TAVENNER: Objection is made on the ground
9 that it is irrelevant and immaterial. INUKAI at that
10 time was a private citizen. Further reference to the
11 article itself will show that it relates to internal
12 politics in Japan and for that reason could not be
13 material to any issue involved here.

14 MR. McMANUS: If the Court pleases, I stated
15 in my opening statement that I intended to show the
16 internal and external affairs which affected Japan
17 directly for one sole purpose, and that being whether
18 or not the military training conducted in the schools
19 was for aggressive warfare, for domination of the world,
20 or whether it was for self-defense and national security.

21 THE PRESIDENT: On the question of that
22 magnitude what probative value can be found in the speech
23 of a private individual. I know at one stage he was
24 a minister and a prime minister. I will take the views
25 of my colleagues.

1 MR. McMANUS: If your Honor pleases, this
2 expresses the public opinion at that time.

3 THE PRESIDENT: We cannot listen to you and
4 read these.

5 The majority of the Court rejects the speech.

6 MR. McMANUS: At this time, if the Court pleases,
7 I tender defense document No. 231. It is an address
8 by Mr. ARITA, Minister for Foreign Affairs, at the
9 70th Session of the Diet on January 21, 1937. It is
10 for the same purpose and I ask that the excerpts read
11 therefrom be marked into evidence.

12 THE PRESIDENT: There appears to be no objection
13 this time, Mr. McManus.

14 MR. McMANUS: Thank you, your Honor.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Defense document No. 231
17 will receive exhibit No. 2370.

18 (Whereupon, the document above re-
19 ferred to was marked defense exhibit No. 2370
20 and received in evidence.)
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MR. McMANUS: (Reading)

1 "The Address of Mr. Hachiro ARITA, Minister
2 for Foreign Affairs, at the Seventieth Session of the
3 Diet, January 21, 1937.

4 "I have the honour today of addressing you
5 on the foreign policy of Japan and presenting an out-
6 line of the recent developments.

7 "As I stated last May at the Extraordinary
8 Session of the Diet, the national policy of Japan aims
9 at ensuring the stability of East Asia, to contribute
10 thereby to the cause of world peace, as well as at
11 promoting the welfare and happiness of mankind by
12 upholding international justice. And we have been
13 striving earnestly and unremittingly toward the
14 achievement of those aims.

15 "In surveying the conditions of the world it
16 is to be noted that the international political situ-
17 ation is still lacking in stability. In fact, it
18 appears to be growing worse than ever owing especially
19 to the activities of the Communist International, or
20 the Comintern. In these circumstances, it is truly
21 significant that there was concluded on November 25
22 last year an agreement between Japan and Germany con-
23 cerning the Communist International. This agreement
24 is intended for a common defence against the activities
25

1 of the Comintern whose tenets are not not only in-
2 compatible with the national polity of our country but
3 inconsistent with human nature itself.

4 "The Japanese Government have always been
5 endeavouring to suppress the Communist movement,
6 which long since made its way also into this country.
7 In China, subsequent to the adoption by the Kuomintang
8 of a policy of toleration toward the Communist Party,
9 movement spread widely so that there were established
10 a few years ago 'Soviet Areas' in various parts of
11 Kiangsi and Fukien, and the so-called 'Communist-
12 bandit' armies' infested numerous localities. It was
13 with grave concern that Japan watched the developments
14 in China under the Red invasion. Then, in the summer
15 of the year before last, the Seventh Congress of
16 the Comintern, convened at Moscow, passed a resolu-
17 tion and declared openly that certain countries in-
18 cluding Japan and Germany were to be the major objects
19 of its future operations. At the same time the Com-
20 intern adopted new tactics of campaign based upon the
21 formation of the so-called 'people's front,' which
22 has proved successful in several countries of Europe,
23 especially in Spain where it has brought on a civil
24 war which is raging even now attended with terrible
25 scenes of fratricide. In East Asia the Comintern

1 commenced skilfully to sovietize China while damaging
2 the Sino-Japanese relations through movement called
3 'the Anti-Japanese People's Front' organized through-
4 out that country. In Manchoukuo and also in Japan
5 there appeared signs of the growth of Communist
6 manoeuvres.

7 "In the face of the operations of the Com-
8 intern, tenacious as they are ingenious, our Govern-
9 ment were obliged to devise more stringent measures
10 of defense and formulate an adequate policy for the
11 protection of our national polity and the preservation
12 of the stability of East Asia."

13 I now turn to the next page:

14 "The Japanese Government are endeavouring to
15 further the unity and solidarity between the peoples
16 of Japan and Manchoukuo and to consolidate the neigh-
17 bourly and inseparable relationship between the two
18 countries. And for that purpose, we decided, as I
19 stated at the previous session of the Diet, upon the
20 abolition of our extraterritorial rights and the ad-
21 justment and transfer of our administrative rights in
22 the South Manchuria Railway Zone. Under this policy,
23 and as the first step, there was signed on June 10
24 last year a treaty concerning partial abolition of our
25

1 extraterritorial rights and adjustment of our admin-
2 istrative rights in the South Manchuria Railway Zone.
3 The conclusion of this treaty was hailed by the people
4 of Manchoukuo with profound satisfaction, and its
5 operation has since proved eminently successful. It
6 is gratifying to us all to note that Manchoukuo is
7 making steady and healthy progress along all lines,
8 and the economic and commercial relations between
9 that country and ours are growing more and more
10 intimate."

11 THE PRESIDENT: This is a convenient break,
12 in view of what is to follow.

13 We will recess for fifteen minutes.

14 (Whereupon, at 1045, a recess was
15 taken until 1100, after which the proceedings
16 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. McManus.

4 MR. McMANUS: (Reading) "It was some time
5 ago that the Japanese Government proposed to China
6 three basic principles, hoping to effect thereby
7 the much needed adjustment of Sino-Japanese relations.
8 However, in August last there occurred the Chengtu
9 Incident, which was followed by a series of un-
10 fortunate incidents at Pakhoi and elsewhere. From
11 an examination into the nature of these incidents
12 we could see clearly that every one of them was not
13 merely an ordinary case of murder or assault, but
14 that they were all traceable to the anti-Japanese
15 policy of China. While it was necessary to obtain
16 settlements of individual cases as such, it was
17 evident that unless we eliminated their underlying
18 causes we could not possibly prevent the recurrence
19 of similar incidents, nor could we protect the lives
20 and property of our nationals and safeguard our
21 rights and interests in China, and consequently
22 we could never hope for a friendly and harmonious
23 intercourse between our two nations. Therefore,
24 in order to forestall the recurrence of any
25 untoward incidents at their very source the Japanese

1 Government, while demanding utmost sincerity in
2 the exercise of the control of all anti-Japanese
3 agitations, invited the Nanking Government to
4 discuss various questions, upon the solution of
5 which depended the adjustment of Sino-Japanese
6 relations. In other words, we desired that the
7 Nanking Government, instead of stopping short at
8 the negative policy of merely controlling the anti-
9 Japanese movement, should go a step further and
10 alter their own attitude toward Japan which was one
11 of the chief causes of anti-Japanese agitations;
12 and we urged upon that Government to prove their
13 sincerity on various concrete issues having to do
14 with the rehabilitation of Sino-Japanese relations.
15 Negotiations were begun at Nanking between the
16 representatives of the two countries early September,
17 and continued for over three months. Believing
18 that in view of the Chinese attitude, indefinite
19 prolongation of the negotiations would only serve
20 to bring on fresh complications, we demanded that
21 the Nanking Government put into practice those
22 points on which both sides had so far reached an
23 agreement of views, leaving the remaining questions
24 to later conversations. Thereupon the Chengtung
25 and Pakhoi Incident as such were settled on December 30.

1 "As you may gather from what has been said,
2 our negotiations with China, having failed to
3 produce as yet the anticipated results, had come to
4 a standstill for the present. However, I am con-
5 vinced that these negotiations are of significant
6 value in that they will serve as a stage in the
7 progress of further negotiations. Since our funda-
8 mental policy toward China is directed most
9 certainly toward the collaboration and the friend-
10 ship and the common prosperity of the two countries,
11 the renewal of the endeavours for the adjustment of
12 Sino-Japanese relations with a fresh resolve and
13 determination is not only an obligation of the two
14 Governments but also a common desire, I believe,
15 of both nations.

16 "As regards the incident at Sian, our
17 Government took a fair and impartial attitude and
18 watched the course of events calmly but with grave
19 concern. It is most fortunate for China that the
20 affair is being brought to an end without entailing
21 serious consequences. However, in view of the fact
22 that Chang Hsueh-liang came out for a pro-Communist
23 and anti-Japanese policy at the initial stage of
24 the incident, and that its final outcome is bound
25 to have a far-reaching effect upon the general

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22 that Chang Hsueh-liang came out for a pro-Communist
23 and anti-Japanese policy at the initial stage of
24 the incident, and that its final outcome is bound
25 to have a far-reaching effect upon the general

1 situation of East Asia, our Government are paying
2 careful attention to further developments.

3 "The policy of Japan toward the U.S.S.R.
4 lies, as a matter of course, in the maintenance and
5 insurance of normal relations. In order to enhance
6 friendly relations between the two countries
7 through the solution of pending issues, our Govern-
8 ment have continued to conduct negotiations during
9 the past year regarding the revision of the fishery
10 treaty, and the problems of border demarcation
11 and settlement of disputes between the Soviet Union
12 and Manchoukuo, and also have assisted in the
13 negotiations between the Soviet authorities and the
14 representatives of Japanese interests on the matter
15 of extension of the period of oil prospecting in
16 North Saghalien. As regards this oil question, a
17 contract was concluded in October extending the
18 prospecting period by five years. The text of a
19 new fishery convention was also drawn up in the
20 middle of last November after deliberations lasting
21 for one and a half years. But at the very moment
22 when the instrument was to be signed, the Soviet
23 Government asked for a postponement of the signature
24 on the grounds of non-completion of the necessary
25 domestic procedure, and thereafter persistently

1 refused to sign. "We called the attention of the
2 Soviet Government repeatedly to the basic nature of
3 Japan's fishery right in the northern waters and
4 to the perpetuity required of the treaty intended
5 to regulate the exercise of the said right. As the
6 result of these latter conversations a provisional
7 arrangement was concluded at last on the 28th of
8 December, which will permit our fishery enterprise
9 to go unobstructed for the coming session. Our
10 Government intends of course to continue negotia-
11 tions regarding the signing of the above-mentioned
12 new convention and expects to arrive at a settlement
13 at an early date."

14 I turn now to page 7, the first paragraph
15 thereon.

16 "Thus we are doing everything to establish
17 peaceful relations with the Soviet Union. It is to
18 be greatly regretted, therefore, that the Soviet
19 Union only maintains disproportionately large
20 armaments along the Manchoukuo frontier, but goes so
21 far at times as to circulate rumours of aggressive
22 actions on the part of this country. Should the
23 Soviet Government appreciate the pacific intentions
24 of Japan, reflect upon their own past attitude and
25 seek to solve pending issues between the two

1 countries, I believe that Soviet-Japanese relations
2 would be soon put upon a normal footing."

3 MR. LOGAN: If the Tribunal please, may I
4 say a few words in support of an application for
5 review of the Tribunal's refusal of defense document
6 394?

7 THE PRESIDENT: Well, I will have to ask
8 the Members' opinion. I am utterly opposed to it,
9 Mr. Logan. I might have added to the reasons I
10 gave, that even in our own jurisdiction where we
11 allow an accused to make a statement from the dock it
12 must be one statement covering the whole case and
13 not a number of statements, as you propose.

14 MR. LOGAN: That is a different document.
15 your Honor.

16 THE PRESIDENT: I returned my document, and
17 I do not recollect the number, but apparently you
18 are referring to Mr. INOUE's speech?

19 MR. LOGAN: That is right.

20 THE PRESIDENT: There was an overwhelming
21 majority against you on that. The Members may be
22 prepared to open it up. It is not for me to say.
23 There is a majority against you and I make it.

24 Mr. McManus.

25 MR. McMANUS: I next tender for identification

1 defense document No. 76, and ask that the excerpts
2 read therefrom be received into evidence. This
3 is a statement from the Foreign Affairs office
4 regarding an agreement between the Communist Inter-
5 nationale, December 25, 1936.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Defense document No.
8 76 will receive exhibit No. 2371.

9 (Whereupon, the document above
10 referred to was marked defense exhibit
11 No. 2371 and received in evidence.)

12 MR. McMANUS: (Reading) "Ever since its
13 establishment, the Communist International, or the
14 so-called Comintern, with its headquarters at Moscow,
15 has been engaged in all sorts of activities, greatly
16 menacing the peace of the world, for the purpose of
17 destroying the national and social structures in
18 every country in pursuance of the fundamental policy
19 of world revolution. At its Seventh Congress, held
20 in the summer of last year, the Comintern decided
21 on a policy of organizing a united front with the
22 Second International to oppose Fascism and imperialism
23 and at the same time made it plain that the future
24 objectives of Comintern activities were to be Japan,
25 Germany and Poland. It further resolved to support

1 the Chinese Communist armies in order to fight Japan.
2 The actual operations subsequently carried on by the
3 Comintern have become extremely ingenious, rendering
4 them all the more dangerous."

5 Page 2.

6 "The Communist invasion has hitherto been
7 more marked in the Orient, especially in China, than
8 elsewhere. Outer Mongolia and Sinkiang have already
9 suffered from its calamitous effects and China proper
10 is now being subjected to the depredations of the
11 Communist armies. As a matter of fact, the activi-
12 ties of the Comintern in China have increased notably
13 in vigor since its Seventh Congress.

14 "In Manchoukuo, also, the Comintern has
15 been surreptitiously endeavoring through the Man-
16 churian district committees of the Chinese Communist
17 Party to set up an intricate organization, to win
18 over and instigate bandits and to direct the raids
19 by partisan troops all over the country.

20 "In Japan, the extreme leftist movement
21 temporarily showed signs of decline after the
22 Manchurian incident, but since the Seventh Congress
23 of the Comintern it has again become energetic. It
24 has crept into the channels of lawful agitation
25 in conformance with the resolution of that congress

1 and has launched a unified front movement that is
2 intended to be the basis for revival of the Communist
3 movement.

4 "The Japanese Government, which, in order
5 to safeguard Japan's immutable national polity and
6 insure national security and to maintain everlasting
7 peace in East Asia, has pursued a clearcut and con-
8 sistent policy toward the Comintern, finds it
9 necessary to take more rigorous measures of self
10 defense against the increased menace set forth
11 above."

12 Page 3.

13 "The Japanese Government is desirous of
14 co-operating with as many Powers as possible for
15 the purpose of perfecting its defensive measures
16 against the Comintern menace, but for that purpose
17 alone. It should be pointed out that in connection
18 with, or behind, this agreement there exists no
19 other agreement whatsoever, that the Japanese Govern-
20 ment has no intention to form, or join in, any
21 special international bloc for any other purpose and
22 finally that the present agreement is not directed
23 against the Soviet Union or any other specific country."
24
25

1 I now request that defense document No.
2 204-G, Appendix 6, be received into evidence. It is
3 a report on the communist movements in Manchuria from
4 1917 to 1932.

5 THE PRESIDENT: Mr. Tavenner.

6 MR. TAVENNER: Mr. President, an objection
7 is made to the introduction of this document on several
8 grounds: First, it purports to be a report made after
9 the Manchurian Incident by someone not named. There
10 is no certificate attached showing the origin or the
11 authenticity of this document; and, in addition, we
12 feel that it is irrelevant and immaterial to the is-
13 sues involved here.

14 THE PRESIDENT: Why do you say it is irrele-
15 vant and immaterial after you have been allowing,
16 without objection, documents bearing on the activities
17 of the communists?

18 MR. TAVENNER: The previous document on that
19 subject was a document issued by an official organ of
20 the government which, we thought, possibly made it
21 admissible as a contention.

22 THE PRESIDENT: That is your first ground.
23 My remarks are directed to your second ground. Your
24 first ground is that it has no probative value because
25 you do not know its source and you do not know who is

1 responsible for it. That may well be sufficient.
2 But then you go on to say that it is irrelevant and
3 immaterial in any case, and I am trying to reconcile
4 that with your attitude towards documents that have
5 been admitted this morning.

6 MR. McMANUS: If the Court please, this is
7 an IPS document.

8 THE PRESIDENT: That doesn't make any differ-
9 ence.

10 MR. McMANUS: For the source.

11 THE PRESIDENT: I suppose they have a great
12 collection of rubbish in IPS.

13 Well, do you wish to reply to Mr. Tavenner,
14 Mr. McManus?

15 MR. McMANUS: Yes, if your Honor please.
16 First, Mr. Tavenner said that he did not know the
17 source. It is an IPS document. Second, I certainly
18 think it is relevant to show the activities of the
19 communist party in Japan. It depicts internal condi-
20 tions; it shows uprisings and activities whereby, to
21 conform with the theme that military training -- this
22 Court must decide whether it was necessary or whether
23 it was not necessary.

24 THE PRESIDENT: The Tribunal rejects the
25 document.

1 MR. McMANUS: I now tender defense document
2 No. 202V-1 and ask that the excerpts read therefrom
3 be marked into evidence. It is an excerpt from the
4 prosecution's witness', John B. Powell's, book "My
5 Twenty-five Years in China," which is already marked
6 for identification, exhibit No. 2290.

7 THE PRESIDENT: Brigadier Nolan.

8 BRIGADIER NOLAN: Your Honor, the prosecution
9 has been notified that this is the first of some
10 nineteen excerpts from two books which are to be
11 offered in evidence by the defense.

12 THE PRESIDENT: If relevant and material and
13 not repetitive, the whole nineteen will be admitted.

14 BRIGADIER NOLAN: We are objecting to this
15 document, your Honor, on a somewhat broader ground
16 than we have taken with respect to excerpts of a
17 similar character. For the most part, these excerpts
18 deal with a variety of matters regarding internal
19 conditions in China.

20 Or, even assuming that these excerpts are
21 relevant, and we submit that they are not, and con-
22 tain statements of fact, and we submit that they do
23 not, this is not the proper manner in which to prove
24 facts of that nature. That must, of course, be done
25 by evidence possessing probative value and entirely

1 divorced from opinion.

2 An examination of Article 13 of the Charter
3 of this Tribunal makes it abundantly clear that writ-
4 ings of this character were not in the minds of the
5 drafters of that Charter. Not one of these excerpts,
6 your Honor, is a government document; neither is it
7 a report, nor an affidavit, nor a deposition, nor a
8 signed statement. It would have been a very simple
9 matter for the drafters of the Charter to have made
10 provision for the introduction into evidence of writ-
11 ings of this kind. I am not unmindful of the fact
12 that Article 13, subsection 4, of the Charter pro-
13 vides for the admission into evidence of a document
14 "which appears to the Tribunal to contain information
15 relating to the charge." In my submission, this sub-
16 section of Article 13 presupposes that the document
17 possesses the two qualities of relevancy and probative
18 value. To contend otherwise would be to deprive the
19 Tribunal of its discretionary power, as set out in the
20 section, and so render the section meaningless. And
21 we submit that the excerpts in question do not answer
22 these two requirements. But, even assuming that they
23 are relevant, and we submit that they are not, the
24 statements of these journalists in a book do not
25 prove the facts therein stated. It merely proves

1 that such statements are contained in a book. In
2 other words, if an excerpt were offered from Alice
3 in Wonderland, it does not prove either that there
4 was a Wonderland or that Alice was ever there. And,
5 finally, we submit, your Honor, that the admission
6 of such evidence would be to place before the Tri-
7 bunal views of the journalists which can in no way
8 influence the judgment of the Tribunal.

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1 THE PRESIDENT: Mr. McManus.

2 MR. McMANUS: If the Tribunal pleases, I
3 believe your Honors have already ruled on this
4 question. I have taken particular care to mark
5 specific statements of fact -- no opinions -- concerning
6 this book.

7 Concerning the charge, the Indictment charges
8 that these defendants prepared for an aggressive war,
9 and during Mr. Hammack's presentation for the prosecution,
10 one of the main points that he wanted to put to the
11 Court was the inculcation of aggressiveness into
12 students and also the military training conducted in
13 the schools.

14 What I am trying to do right now is to show
15 this Tribunal that the specific affairs surrounding
16 Japan internally and externally directly affecting
17 Japan were so that that military training -- it should
18 be decided by the Tribunal whether or not it was
19 necessary or whether it was for the promotion of an
20 aggressive war, as the prosecution charges. Further-
21 more, in reply to Brigadier Nolan, I think the Court
22 should place some weight on the fact that "Alice" was
23 here.

24 THE PRESIDENT: In the last analysis, the
25 Charter makes probative value the test, and probative

1 value, of course, depends upon relevancy and
2 materiality. Certain instances are given in the
3 Charter, but I think the purpose of that is to guide
4 the Court and also to reduce the amount of argument
5 about documents.

6 What probative value have observations like
7 this in a book by Mr. Powell? He is not a recognized
8 historian. Should his matter be tendered here with-
9 out any possibility of cross-examination?

10 We know these entertaining books by capable
11 journalists like Mr. Powell are not in the same
12 category as standard histories written with a view
13 to their having a permanent value. But the question
14 is one of probative value, upon which I will take
15 the views of my colleagues.

16 MR. McMANUS: Before your Honors make the
17 decision, I would like to call to the Court's atten-
18 tion that Mr. Powell was a prosecution witness.

19 THE PRESIDENT: I know.

20 By a majority the Court rejects this excerpt
21 from Mr. Powell's book. I am not clear whether that
22 will cover all subsequent excerpts, but I think it is
23 so.

24 MR. LOGAN: If the Tribunal please, the
25 defense is viewing with alarm the objections made by

1 the prosecution and some of the rulings of the Court
2 in which evidence which we believe is very vital to
3 our case is being objected to. We have for some
4 months past listened to the prosecution offer in
5 evidence excerpts from various documents -- why, they
6 even offered their own synopsis of what they considered
7 was evidence and that has been received in evidence.
8 And here we are offering documents by men who were on
9 the spot and testifying as to what they saw. We are
10 just viewing this entire proceeding with alarm, your
11 Honor, with respect to the offering of this evidence.

12 THE PRESIDENT: Mr. Logan, you are out of
13 order in addressing the Court on such a matter without
14 its express permission, and you know it. You would
15 not dare to take the stand in the United States
16 Supreme Court.

17 We give our decisions honestly, in accordance
18 with the argument and our understanding of the position,
19 and regardless of consequences. For my part, let me
20 assure you that one of the decisions against you was
21 given on my casting vote, and I make no apologies, and
22 it is a matter of sheer indifference to me what atti-
23 tude you take or anybody takes. We will not be
24 intimidated.

25 MR. LOGAN: I can assure your Honor there is

1 no attempt at intimidation. And as the Tribunal
2 knows, we have endeavored to present this phase
3 through one attorney. But each bit of evidence that
4 is offered here affects each attorney, and I feel that
5 some of this evidence that is being offered affects
6 my client and I feel that I should get up and speak
7 on behalf of him. We have adopted the procedure of
8 presenting it through one attorney to expedite the
9 trial. We thought we were being of assistance to
10 the Tribunal. But when others of us sit here and
11 know the documents are in favor of our client, and
12 to see them rejected for reasons which we think they
13 should really be admitted, we just can't sit still
14 about it. We have to do something. And that is the
15 reason I appeared here.

17 For example, the previous document that was
18 offered, on which I requested the Tribunal's per-
19 mission to say something. We are accused of prevent-
20 ing free speech in Japan, and there was a document
21 issued, a statement made before a mass meeting of
22 three thousand people by the head of one of the poli-
23 tical parties. I just couldn't see why it shouldn't
24 be admitted.

25 THE PRESIDENT: Mr. Logan, we cannot hear you
any further. I think that I have taken a very liberal

view in hearing you as far as I have.

1 **Mr. McManus.**

2 MR. McMANUS: I take it, if the Court pleases,
3 your Honor has rejected document 202-V-1?

4 THE PRESIDENT: That is so.

5 MR. McMANUS: I now request that defense
6 document 591 be received into evidence. It is an
7 excerpt from "Tortured China" by Hallett Abend. This
8 document will show the many disorders in China during
9 the years 1929 and 1930.
10

11 BRIGALIER NOLAN: Your Honor, the prosecution
12 objects to the introduction of this document for the
13 same reasons and upon the same grounds as we objected
14 to the earlier document. It is in no better position
15 and should, I submit, come under the same ruling of
16 the Court.

17 THE PRESIDENT: Mr. McManus, do you wish to
18 offer anything in addition to what you said earlier?

19 MR. McMANUS: Nothing other, your Honor, than
20 that these conditions which I show from these parti-
21 cular books show the disorders in the neighboring
22 countries which caused alarm in Japan, which,
23 consequently, it is for the Tribunal to determine
24 whether or not the military training in schools was
25 for self-defense, for security of the nation, or

1 whether it was, as the prosecution claims, preparation
2 for aggressive warfare and domination of the world.

3 I believe, if your Honor please, that the
4 author of this book is still alive. Of course, we
5 could request that he be subpoenaed; however, we are
6 taking these excerpts and offering them from his book
7 for the purpose of expediency.

8 These excerpts are all statements of fact.
9 I believe your Honor ruled on that question a few
10 days ago, that we could offer such excerpts. Your
11 Honor does accept hearsay testimony provided there are
12 statements of fact.

13 THE PRESIDENT: And further provided that they
14 have probative value.

15 I have occasion to adjourn at this stage.
16 We will discuss this question; not with a view to
17 rescinding any decision, however.

18 MR. BROOKS: Mr. President--

19 THE PRESIDENT: One of my colleagues seeks
20 a conference, and I think we should give it to him.

21 MR. BROOKS: Mr. President, may I be heard
22 for just one thought, briefly, that--

23 THE PRESIDENT: One counsel should argue this.
24 This is Mr. McManus' point, and it is for him to do
25 all the arguing. That is what we agreed upon. He

1 is tendering this particular document. Let Mr. McManus
2 put the point, Captain Brooks.

3 We will adjourn, now, until half-past one.

4 (Whereupon, at 1155, a recess
5 was taken.)

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AFTERNOON SESSION

1 The Tribunal met, pursuant to recess, at
2
3 1330.
4

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Mr. McManus.

8 MR. McMANUS: If your Honor pleases, just
9 before recess I do not believe your Honor rendered
10 a ruling on document 591.

11 THE PRESIDENT: Each excerpt will be de-
12 cided on its merits. There is no decision of the
13 Tribunal to reject or accept the whole. Each ex-
14cerpt will be dealt with on its merits.

15 MR. McMANUS: I request at this time, if
16 the Court pleases, to offer for identification the
17 book, "Tortured China," by Hallett Abend.

18 CLERK OF THE COURT: Defense document
19 No. 591, to wit, the book, "Tortured China," by
20 Hallett Abend, will receive exhibit No. 2372 for
21 identification only.

22 (Whereupon, the document above
23 referred to was marked defense exhibit
24 No. 2372 for identification.)
25

MR. McMANUS: I now request the Court to

1 receive into evidence defense document 591, an
2 excerpt therefrom. The defense contends that
3 excerpt 1 from this document will show the many
4 disorders in China during the years 1929 and 1930.

5 THE PRESIDENT: Brigadier Nolan.

6 BRIGADIER NOLAN: Mr. President, the
7 prosecution objects to the introduction of document
8 591 into evidence on the ground that it has no
9 probative value and consists only of rumors which
10 reached the author, Mr. Abend.

11 MR. McMANUS: If the Court please, this
12 book was published in 1930. I believe Mr. Abend was
13 on the spot at the time, sending home reports while
14 these incidents occurred. I might also add, your
15 Honor, that as this book was written in 1930 it would
16 be free from bias such as might exist possibly today,
17 and as this Indictment covers a period of a great
18 many years I think that excerpts written at that
19 time should be admitted now.

20 THE PRESIDENT: The objection is upheld
21 by a majority; the excerpt is rejected.

22 MR. McMANUS: I have at this time, if the
23 Court please, a number of documents from excerpts
24 from the book, "My Twenty-five Years in China,"
25 by Mr. Powell. There was an objection this morning

1 concerning one of them, and for purposes of the
2 record I would like to ask the Tribunal's permission
3 to note the documents that I refer to the Court and
4 ask them to make an individual ruling on each pre-
5 sentation.

6 THE PRESIDENT: As soon as we took our
7 seats this afternoon I told you we would consider
8 each excerpt on its merits. None will be rejected
9 simply because it is from Mr. Powell's book. State-
10 ments of fact in his book may be received. It
11 depends on the attitude of the Members.
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1 MR. McMANUS: I now tender defense document
2 202-I and request that the excerpts read therefrom
3 be received into evidence. This document is offered
4 to show the disturbances going on in China whereby
5 other countries as well as Japan had to take steps to
6 protect their interests.

7 THE PRESIDENT: Brigadier Nolan.

8 BRIGADIER NOLAN: The prosecution objects
9 to the introduction in evidence of document 202-I on
10 the ground that it is irrelevant and in addition has
11 no probative value. The document is replete with
12 rumors, contains very few dates, and appears to be
13 divided into two chapters, the first of which is
14 entitled, "Fighting in Shanghai," and the second,
15 "Benevolent Gangster." There are some references to
16 Russian leaders but the document is so difficult to
17 analyze that one cannot decide whether at the time
18 at which the author is writing these particular
19 individuals were leaders in the Russian Communist
20 Party or not. It is respectfully suggested to the
21 Tribunal that the defense should be required here and
22 now to demonstrate to the satisfaction of the Tribunal
23 wherein the relevancy of this document lies in respect
24 of the issues to be tried in this case.

25 THE PRESIDENT: We shall apply to the defense

1 for assistance if and when we feel we need it.

2 On motion, of course, you will proceed to
3 point out how it is relevant, Mr. McManus.

4 MR. McMANUS: Yes, your Honor.

5 THE PRESIDENT: Do so.

6 MR. McMANUS: If the Court pleases, in a
7 neighboring country, China, there were settlements of
8 various nations. Because of banditry and uprisings,
9 nations had to take steps to protect their nationals
10 and their interests in that country. It is my inten-
11 tion to show from this document and following documents
12 that because of these circumstances Japan had to main-
13 tain continually a military training course in their
14 educational system. I am calling the attention of
15 the Tribunal to these facts, not in justification of
16 any military training but for the purpose of enabling
17 the Tribunal to know these facts and then to determine
18 whether or not Japan was preparing for an aggressive
19 war or whether they were conducting that military
20 training for their national security.

21 Unfortunately, if the Court pleases, I only
22 had the opportunity to mark the excerpts in these
23 documents for the Court's benefit. I did not have the
24 time to mark the documents presented to the prosecu-
25 tion or to any other people concerned.

1 THE PRESIDENT: On my casting vote, the
2 document is rejected. The objection is upheld.

3 MR. McMANUS: I now tender defense document
4 202-H and request that the marked excerpts therefrom
5 be received into evidence. This also shows the dis-
6 turbances going on in China whereby other countries
7 had to take steps to protect their nationals and I
8 further suggest to the Court the reasons which I gave
9 for the last document concerning its relevancy.

10 THE PRESIDENT: Brigadier Nolan.

11 BRIGADIER NOLAN: Your Honor, the prosecution
12 objects to the introduction of this document on the
13 ground that it is irrelevant and deals with matters
14 purported to have happened in the years 1924 and 1926.
15 I am not aware of the portions which my learned friend
16 intends to read if it is admitted into evidence but
17 there are contained in the document as presented to me
18 on pages 2 and 4 highly uncomplimentary remarks concern-
19 ing two of the prosecuting nations represented before
20 your Lordships.

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1 THE PRESIDENT: If the document contains
2 uncomplimentary remarks to two of the Allied Powers
3 it will not be rejected for that reason alone, or
4 for that reason at all. It will have to be rejected
5 on some other ground.

6 What part do you propose to read?

7 MR. McMANUS: The last paragraph on page
8 3, if the Tribunal pleases. I believe the Court's
9 copies are marked.

10 THE PRESIDENT: No, there is no marking
11 in my copy or any other judge's copy.

12 MR. McMANUS: I am sorry, your Honor. I
13 thought all the copies were marked for the Judges.

14 I intend to read the last paragraph on
15 page 3.

16 THE PRESIDENT: On my casting vote the
17 document is rejected. Objection upheld.

18 MR. McMANUS: I now tender for receipt
19 into evidence document No. 202-K-1 and ask that the
20 excerpts therefrom be received into evidence. It
21 is John B. Powell's book "My Twenty-Five Years in
22 China." This document is offered to show the disturbance
23 going on in China whereby Russia had to take
24 steps to protect its nationals and property.

25 THE PRESIDENT: The document is admitted.

1 The objection is overruled.

2 CLERK OF THE COURT: Defense document
3 No. 202-K-1 will receive exhibit No. 2373.

4 (Whereupon, the document above refer-
5 red to was marked defense exhibit No. 2373
6 and received in evidence.)

7 MR. McMANUS: (Reading) "Accompanied by
8 a number of other correspondents"--

9 THE MONITOR: Mr. McManus, the Language
10 Section is trying to find the corresponding page
11 in the Japanese text.

12 MR. McMANUS: On the top of page 3.

13 THE PRESIDENT: It is the decision of the
14 majority and the document is admitted on the usual
15 terms.

16 BRIGADIER NOLAN: If I may interrupt, your
17 Honor: I would ask learned counsel to indicate to
18 the Tribunal the date if it does not appear in a
19 particular excerpt which is being read.

20 MR. McMANUS: It is 1929.

21 (Reading) "Accompanied by a number of
22 other correspondents, including Wilbur Forrest of
23 the NEW YORK HERALD TRIBUNE, Jim Howe, Associated
24 Press, and William Philip Simms of the Scripps-
25 Howard newspapers, I arrived in Harbin about a week

1 later. We found that the Chinese had seized the
2 railway telegraph system and all offices of the
3 Soviet Far Eastern Trading Corporation, the Naphtha
4 Trust, and the Soviet Mercantile Fleet owned a
5 number of large paddle-wheel steamers which opera-
6 ted on the Sungari and Amur rivers, reminiscent of
7 steamboats on the Mississippi and Missouri rivers.

8 "The Soviet Government acted with equal
9 energy. Minister Karakhan, who had in the meantime
10 been appointed Assistant Foreign Minister in Moscow,
11 denounced the Chinese action as a 'gross violation
12 of treaties' and gave China an ultimatum of three
13 days to return a satisfactory answer, failing which
14 the Soviet Government threatened 'to resort to other
15 means for the protection of its lawful rights.'

16 "Fighting soon broke out along the Chinese
17 Eastern Railway at both the eastern and western
18 borders of Manchuria, resulting in heavy casualties
19 to the Chinese forces at the town of Manchouli,
20 where some 8,000 Chinese soldiers were killed.
21 The Chinese town of Pogranichnaya, at the eastern
22 end of the railway, was badly shattered by Soviet
23 artillery fire and airbombs. A Chinese town known
24 as Lahasusu at the mouth of the Sungari River,
25 opposite Khabarovsk on the Amur, was bombed and

1 burned, and two Chinese gunboats stationed there
2 were sunk by Soviet planes."

3 I now tender document 202-K-2 and ask that
4 the excerpts read therefrom be received into evi-
5 dence. This document is offered to show that the Jap-
6 anese had to take steps to protect their property
7 in China because of Russian activities for the
8 protection of its sphere of influence.

9 THE PRESIDENT: Brigadier Nolan.

10 BRIGADIER NOLAN: Mr. President, the prose-
11 cution objects to the document 202-K-2. It seems to
12 contain no date and is in essence an account of an
13 interview of a newspaperman with a woman and a boy
14 sometime somewhere.

15 MR. McMANUS: If your Honor pleases, I
16 propose to read the first paragraph and the last
17 paragraph, and the date is the same as the last
18 document, during the year 1929.

19 THE PRESIDENT: By a majority the document
20 is rejected. The objection is upheld.

21 MR. McMANUS: I now tender document No.
22 202-L-2 and request that the excerpts read there-
23 from be received into evidence. This document is
24 offered to show that portions of China were con-
25 sidered to be a Russian sphere of influence.

1 THE PRESIDENT: That is important in all
2 cases.

3 Brigadier Nolan.
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1 THE PRESIDENT: Brigadier Nolan.

2 BRIGADIER NOLAN: Mr. President, the docu-
3 ment in question, to which we object, 202-L-2, pur-
4 ports to be a description of a proposed agreement
5 and I submit that this Tribunal is not concerned
6 with what might but did not happen; and lastly, it
7 will be observed that it purports to be an excerpt
8 from a manuscript written by a gentleman, which manu-
9 script was never published.

10 MR. McMANUS: I propose to read the last
11 paragraph of the document.

12 THE PRESIDENT: By a majority the objection
13 is upheld and the document rejected.

14 MR. McMANUS: I now tender for identifica-
15 tion, or request that this document be marked into
16 evidence, the excerpts read therefrom, document
17 202-Q-3. This document is offered to show the anti-
18 Japanese sentiment of the Communist armies in China
19 and how the Chinese Communist groups demonstrated
20 and paraded, advocating a united front against the
21 Japanese.

22 THE PRESIDENT: Have you ~~marked~~ the parts
23 you intend to read, Mr. McManus?

24 MR. McMANUS: Yes, your Honor.
25

1 BRIGADIER NOLAN: Mr. President, the document
2 is objected to on the grounds that I have urged in
3 respect of earlier documents taken from this same
4 book. We submit that the Sian Incident has nothing
5 to do with those matters which are the concern of
6 this Tribunal and that the document should be rejected.

7 THE PRESIDENT: The objection is upheld by
8 a majority. The document is rejected.

9 MR. McMANUS: I now tender defense document
10 202-Q-1 and request that the excerpts read therefrom
11 be received into evidence. This document is offered
12 for the purpose of showing general unrest in China
13 in 1936.

14 BRIGADIER NOLAN: Mr. President, the prose-
15 cution objects to this document for the grounds
16 already mentioned. It purports to be an account of
17 a trip taken by the author and what he saw in the
18 Red Square in Moscow and how he was able to discover
19 a cheap brand of perfume for sale in Russia.

20 THE PRESIDENT: Not one of those interesting
21 things appears in the excerpt proposed to be read.

22 BRIGADIER NOLAN: I am sorry, Mr. President,
23 but defense counsel will not keep to the order of
24 the documents in which they are given to us with the
25 result that we are mistaken in the document that has

1 just been mentioned by me. The document under con-
2 sideration is 202-Q-1 and deals with the Sian Incident
3 which has already been determined as to its relevancy
4 by the Tribunal.

5 MR. McMANUS: If the Court pleases, the
6 order of proof has been made known to the prosecution
7 as subject to change. There has not been many
8 deviations from the order submitted to the prosecution
9 several days ago and I specifically mentioned the
10 number before offering this document.

11 THE PRESIDENT: Do not waste time on that.
12 The objection is upheld on my casting vote.
13 The document is rejected. I am sorry. I have just
14 received another vote. I must reverse that decision.
15 The objection is overruled. The document is admitted
16 on the usual terms.

17 CLERK OF THE COURT: Defense document
18 No. 202-Q-1 will receive exhibit No. 2374.

19 (Whereupon, the document above re-
20 ferred to was marked defense exhibit No. 2374
21 and received in evidence.)

22 MR. McMANUS (Reading): "Excerpts from
23 Prosecution Witness JOHN B. POWELL's Book 'MY
24 TWENTY-FIVE YEARS IN CHINA'

25 "China had experienced many crises since the

1 overthrow of the Manchu Dynasty in 1911, but none
2 which had more repercussions, domestic and inter-
3 national, than the Sian Incident of December 12, 1936.
4 I was still in the Philippines, but, realizing the
5 seriousness of the crisis, hurried back to China.
6 Excitement was running high both at Shanghai and at
7 the national capital at Nanking when I arrived there
8 a few days before Christmas.

9 "The kidnaping of Chiang Kai-shek, commander-
10 in-chief of the Nationalist armies and head of the
11 National Government, practically paralyzed the Nanking
12 Administration and provided an opportunity for
13 political dissension and intrigue, which had been
14 held in check only by the firm hand of the Generalissimo.

15 "The confusion in the Government was
16 aggravated by the critical political situation pre-
17 vailing throughout the Far East. The countries most
18 deeply concerned, aside from China, were Japan and
19 the Soviet Union."

20 I now tender document 202-Q-2. This document
21 is offered to show how the political parties in China
22 unfurled the anti-Japanese banner as a pretext for
23 questionable political behavior and request that the
24 excerpts read herefrom be received into evidence.

25 THE PRESIDENT: Brigadier Nolan.

1 BRIGADIER NOLAN: Mr. President, the document
2 to which we object is nothing more or less than an
3 account written by Mr. Powell about what he saw in
4 the Chinese newspapers.

5 THE PRESIDENT: The objection is upheld.
6 The document is rejected by a majority.

7 MR. McMANUS: I now tender document 202-0-1
8 and request that the excerpts read therefrom be marked
9 into evidence. This document is offered to show the
10 extensive military program adopted by Russia in
11 1935.

12 THE PRESIDENT: Brigadier Nolan.

13 BRIGADIER NOLAN: Mr. President, we object
14 to this document. It will be seen at a glance that
15 it is the impressions of a traveller crossing Russia
16 on an eleven-day journey and he purports to give his
17 opinion as to the size of the Russian Army.

18 MR. McMANUS: He states what he saw, if the
19 Court pleases, and also what he was told.

20 THE PRESIDENT: The objection is overruled.
21 The document is admitted on the usual terms.

22 CLERK OF THE COURT: Defense document No.
23 202-0-1 will receive exhibit No. 2375.

24 (Whereupon, the document above re-
25 ferred to was marked defense exhibit No. 2375
and received in evidence.)

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1 MR. McMANUS: I shall now read the second
2 paragraph:

3 "A notable feature of the celebration in Red
4 Square was an exhibition flight of the giant plane
5 named Maxim Gorky, said to be the largest plane con-
6 structed up to that time. The plane was equipped
7 with a radio and a giant amplifier for disseminating
8 Government propaganda. The parade of military forces
9 through Red Square lasted from 10 o'clock in the
10 morning to late afternoon. Stalin and members of the
11 cabinet stood behind a stone balcony on the top of
12 Lenin's tomb, only their heads and shoulders being
13 visible from the diplomatic reviewing stand, which was
14 only about fifty yards distant. I was told that the
15 Russian infantry units which marched through Red
16 Square that day were among the best drilled and
17 equipped soldiers in Europe of the time. No one who
18 observed the exhibition could leave without the
19 impression that the Russian revolution had taken on a
20 pronounced military complexion. The parade of
21 civilian workers through Red Square that day was en-
22 livened by numerous caricatures of Germans and Japanese.
23 The various unions of workers, including women, also
24 marched with a military precision that indicated wide-
25 spread military training.

1 "In addition to the military development
2 which was obvious on all sides, the country seemed to
3 be undergoing a rapid industrialization, and the
4 personal comfort of the people was being sacrificed
5 to the development of heavy industry. The only
6 luxury article I was able to discover was a cheap brand
7 of perfume which seemed to be on sale everywhere."

8 I now tender document 202-0-3 and request
9 that the excerpts read therefrom be received into
10 evidence. This document is offered to show that
11 Japan's military preparation was far less extensive
12 than that of Russia.

13 THE PRESIDENT: Brigadier Nolan.

14 BRIGADIER NOLAN: The document, Mr. President,
15 is objected to on the ground that it contains the
16 opinion of the author as to the various manners in
17 which the heavy industry grew up in Japan and in
18 Russia.

19 THE PRESIDENT: The objection is upheld.
20 The document is rejected by a majority.

21 MR. McMANUS: I now offer document 202-0-2
22 and request that the same be received in evidence.
23 This document is offered to show that in 1935 Russia
24 considered Japan and Germany her potential enemies.
25

THE PRESIDENT: Brigadier Nolan.

1 BRIGADIER NOLAN: Mr. President, the docu-
2 ment is objected to on the ground that it is merely
3 an argument on the part of the author wherein he sets
4 out what seemed to him to be the reason for restric-
5 tions on travel in Russia.

6 THE PRESIDENT: The objection is upheld.
7 The document is rejected.

8 MR. McMANUS: I now offer document No. 202-M-4
9 and request that the excerpts be marked into evidence.
10 This document is offered to show the concern of the
11 Japanese Government and the seriousness of its belief
12 in all information received, especially if it concerned
13 Russia.

14 THE PRESIDENT: Brigadier Nolan.

15 BRIGADIER NOLAN: I object to the document,
16 your Honor, because it doesn't do any of the things
17 contended for by my learned friend. It is intended,
18 I think, to be a humorous document because the author
19 says that the story he is about to tell has its
20 humorous elements.

21 THE PRESIDENT: By a majority the objection
22 is upheld and the document rejected.
23
24
25

1 MR. McMANUS: I now offer document No. 202-M-3
2 and request the excerpt read therefrom be received
3 into evidence. This document is offered to show how
4 the Soviet Union was purposely antagonizing Japan by
5 recruiting and employing Korean troops.

6 THE PRESIDENT: Brigadier Nolan.

7 BRIGADIER NOLAN: Your Honor, we object to
8 the document. It is meaningless, it has no date, it
9 doesn't even say where the observer was when he observed
10 the things he says he observed.

11 THE PRESIDENT: By a majority the objection is
12 disallowed and the document admitted on the usual terms.

13 CLERK OF THE COURT: Defense document No.
14 202-M-3 will receive exhibit No. 2376.

15 (Whereupon, the document above re-
16 ferred to was marked defense exhibit No.
17 202-M-3 and received in evidence.)

18 MR. McMANUS: (Reading)

19 "Excerpts from Prosecution Witness John B.
20 Powell's book 'My Twenty-Five Years In China'

21 "Vladivostok

22 "Pages 211

23 "One day I visited a parade ground, and was
24 surprised to see a regiment of Korean troops drilling
25 and maneuvering under Soviet officers. I was told that

1 the Korean regiment was part of the Soviet border-defense
2 force. Later, in the vicinity of Lake Baikal, I observed
3 even larger bodies of Oriental troops wearing the uniform
4 of the Soviet army."

5 I now offer document No. 202-E-3 and request
6 that the excerpts read therefrom be received into
7 evidence. This document is offered to show communist
8 activities in China.

9 THE PRESIDENT: Brigadier Nolan.

10 BRIGADIER NOLAN: Mr. President, we object
11 to the document in that it describes matters which took
12 place in 1922, is a life history of General Feng, and
13 goes on to describe a story which a former Soviet
14 publicist told to entertain some of his friends and it
15 is not indicated that the author was there at all.

16 MR. McMANUS: As military training became
17 compulsory in Japan in 1925 I --

18 THE PRESIDENT: Wait, we haven't come to a
19 decision yet.

20 MR. McMANUS: Oh, pardon me.

21 THE PRESIDENT: By a majority the objection is
22 upheld and the document rejected.

23 MR. McMANUS: I now tender document 202-E-2
24 and request the excerpts read therefrom be received in
25 evidence. This document is offered to show "fifth

1 columnist" work by communists to create further unrest
2 in China.

3 THE PRESIDENT: Brigadier Nolan.

4 BRIGADIER NOLAN: Mr. President, we object to
5 the reception in evidence of document 202-E-2. It is
6 not quite clear whether that which is therein contained
7 was obtained from an interview with General Wu, but it
8 describes General Wu with some particularity at the
9 time of the interview.

10 THE PRESIDENT: By a majority the objection
11 is upheld and the document rejected.

12 We will recess for fifteen minutes.

13 (Whereupon, at 1445, a recess was
14 taken until 1500, after which the proceedings
15 were resumed as follows:)
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NOTE:

The attached pages are corrected pages and should be substituted for the corresponding pages in the record.

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18.462

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. McManus.

4 MR. McMANUS: Bear with me for just one
5 second, please.

6 If your Honor pleases, at this time I would
7 like to present Mr. BANNO who will interrogate a wit-
8 ness, YOSHIDA.

9 THE PRESIDENT: Mr. BANNO.

10 MR. BANNO: I should like to call the wit-
11 ness YOSHIDA to the witness stand.

12 THE PRESIDENT: The witness is not in the
13 witness room.

14 MR. BANNO: He is supposed to be there, sir.

15 THE PRESIDENT: I tell you he is not.

16 MR. McMANUS: If the Tribunal pleases, the
17 witness was in the witness room a short time ago.
18 I do not know what happened to him. We beg your in-
19 dulgence for a few moments.

20 THE PRESIDENT: You had better go ahead with
21 something else.

22 MR. McMANUS: At this time I would like to
23 call Mr. IWAMATSU, Goro.

24 MARSHAL OF THE COURT: There is no one in
25 the witness room.

1 Mr. President, both witnesses were in the
2 witness room at 1440 hours, five minutes before the
3 recess, and I am not informed as to their whereabouts
4 at the moment.

5 MR. McMANUS: If the Tribunal pleases,
6 several people have gone to find them. If we could
7 just have a few moments, I beg the Court's indul-
8 gence.

9 THE PRESIDENT: Have you any documents you
10 could tender, Mr. McManus?

11 MR. McMANUS: Yes, I believe I have one, if
12 the Court pleases.

13 THE PRESIDENT: We may sit here for a long
14 time before these witnesses appear. You never know.

15 MR. McMANUS: I now offer document No. 410
16 and request that the excerpts read therefrom be re-
17 ceived into evidence. This document is offered to
18 show communist activities toward Japan.

19 THE PRESIDENT: Mr. Comyns Carr.

20 MR. COMYNS CARR: If it please the Tribunal,
21 the prosecution objects to the admissibility of this
22 document. It purports to be a book written, appar-
23 ently, in prison by a Japanese communist who died
24 there in April, 1929. The only certificate of its
25 authenticity is that it is said to have been sold as

1 a -- at an unnamed date at an unnamed place, probably
2 in Tokyo. It recites from the communist point of
3 view the history of the Japanese communist party from
4 the end of the first World War down to the date of
5 the writer's death in April, 1929.

6 THE PRESIDENT: He died in 1945 according
7 to this.

8 MR. COMYNS CARR: Very well.

9 THE PRESIDENT: "On March 15, 1945, in
10 Miyagi Prison, he closed his life of fifty-three
11 years."

12 MR. COMYNS CARR: But he was arrested in
13 April, '29; I made a mistake. And the excerpts do
14 not appear to relate to any period after that date.
15 In my submission, the history of the communist party
16 in Japan or that of any other period is entirely
17 irrelevant to any issue which is raised in this trial.

18 MR. McMANUS: If the Tribunal pleases, this
19 will show why the Peace Preservation Law was enacted
20 in Japan, to stop these communist activities.

21 THE PRESIDENT: By a majority the objection
22 is upheld and the document rejected.

23 MR. McMANUS: I now request that the witness
24 YOSHIDA be called, please.
25

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YOSHIDA

DIRECT

1 A K I O Y O S H I D O, called as a witness on
2 behalf of the defence, being first duly sworn,
3 testified through Japanese interpreters as
4 follows:

DIRECT EXAMINATION

BY MR. BANNO:

Q What is your name?

A My name is YOSHIDO, Akio.

Q The date of your birth?

A I was born on November 21, 1894.

Q What is your present address?

12 A My present address is Nanchu Village, Kamo
13 District, Shizuoka Prefecture.

14 Q I will show you the defense document No.
15 691.

16 THE PRESIDENT: Before you do so we must
17 get an explanation of why he was not here at 3:00
18 o'clock. Has he been subpoenaed?

19 A Just before I went to the lavatory and was
20 thus delayed.

21 THE PRESIDENT: The explanation is sufficient.

22 Q Will you examine document 691? Is it, the
23 document in your hand -- is it your affidavit?

24 A Yes, no doubt.

25 MR. BANNO: I tender in evidence defense document

YOSHIDA

DIRECT

1 No. 691.

2 THE PRESIDENT: Mr. Tavenner.

3 MR. TAVENNER: If your Honor please, I
4 understood that this document is being offered in
5 evidence.

6 I think I should point out to the Court in
7 advance that this document, thirty-eight pages in
8 length, which is the affidavit of this witness,
9 relates to some matters which we think are not ad-
10 missible in testimony. The first six pages con-
11 stitute a treatise or an argument under a chapter
12 which deals with the object of training youth, in
13 which they contend that the --

14 THE PRESIDENT: Let us see it. We can
15 follow it better if we have the copies.

16 MR. TAVENNER: This document was not on the
17 order list and that may explain its failure to be
18 here.

19 THE PRESIDENT: These delays are very
20 regrettable. We have no time to spare. Every minute
21 is precious.

22 MR. McMANUS: If your Honor please, I
23 believe this document is in the other box in the
24 clerk's office. They have gone to check on it.

25 THE PRESIDENT: Yes, Mr. Tavenner?

YOSHIDA

DIRECT

1 MR. TAVENNER: If it please your Honor,
2 I will re-state my objection.

3 THE PRESIDENT: I suppose most of it you do
4 not contest. We will have to sift the wheat from
5 the chaff; that is what it amounts to.

6 MR. TAVENNER: I thought possibly I could
7 point out --

8 THE PRESIDENT: Like many of your documents
9 it is tainted with opinions, I suppose; that is what
10 it amounts to. It is not worth-while wasting a lot
11 of time arguing. You object to it.

12 MR. TAVENNER: I object to it, calling to
13 the Tribunal's attention the first six pages and the
14 last fourteen. It is those particularly that are
15 irrelevant to the issue.

16 THE PRESIDENT: A majority of the Court
17 overrules the objection. It is admitted on the
18 usual terms. It is understood that it is admitted for
19 any statements of fact that may prove relevant and
20 material, that is, have probative value. That is all
21 I can say.

22 CLERK OF THE COURT: Defense document No.
23 691 will receive exhibit No. 2377.

24 (Whereupon, the document above
25 referred to was marked defense exhibit

YOSHIDA

DIRECT

1 No. 2377 and received in evidence.)

2 MR. BANNO: Now I am going to read court
3 exhibit No. 2377. I should like to read this
4 present document, omitting those parts which may
5 be regarded as opinions or conclusions. The parts
6 to be omitted have already been notified to the
7 Language Section, therefore I shall read without
8 making explanations every time I reach a passage that
9 has been omitted.

10 Third line, page 1: "From March, 1930 to
11 December 1935, I was attached to the Headquarters
12 of the 16th Division, serving as an officer in charge
13 of school training. In those days I was an infantry
14 Captain not long afterwards being promoted to Major.

15 "From August 1937 to March 1941 I served in a
16 section of the Personnel Affairs Bureau, and then in
17 a section of the Military Service Bureau of the War
18 Ministry and took charge of school training. At
19 that time I was a Major, later being promoted to
20 Lieutenant Colonel.

21 "The following statement includes what I learned
22 about school training during my tenure of office and
23 what I investigated in connection with school training
24 in making this affidavit. I was not directly concerned
25 with youth training. But it has much to do with

YOSHIDA

DIRECT

1 school training, so that my statement will include
2 what I know of it.

YOSHIDA

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1 "1. The reason why the system of school
2 training and youth training was adopted.

3 "National training, especially the training
4 of youths, which had been carried out by leading
5 powers since the close of World War I had character-
6 istics and developments of their own according to
7 their respective internal conditions. Those countries
8 had striven for the realization of a common ideal
9 towards the development of these trainings, based on
10 the lessons they had learned from World War I. On
11 the other hand, Japan was the only country that did
12 not have such systems and institutions. Not only had
13 the young men and boys of the laboring class of Japan
14 who formed the greater part of the youths, no definite
15 educational institution after finishing compulsory
16 education, but they were left to be infected with the
17 evil ways of the world in pre-war and post-war times.
18 Such being the case, men of intelligence feared that
19 this might cast a gloomy shadow over the future of the
20 state. The investigation of the youth training which
21 had been carried out by leading powers showed that,
22 if let alone, Japan alone would be far behind the
23 progress of leading powers. In short, this world-
24 wide tendency, especially national training, which
25 was being carried out assiduously by the other powers,

YOSHIDA

DIRECT

1 compared with that of Japan, made the Japanese Govern-
2 ment and people awake to the necessity of carrying
3 out this training. After all, the deficiency of
4 civic training revealed at the time of the great
5 earthquake in 1923, prompted Japan to adopt the system
6 of school training in 1925 and subsequently the system
7 of youth training in 1926."

8 I shall omit the next sentence. The top of
9 page 3:

10 "Why and how these systems came to be adopted
11 are clear from the note of the speech delivered by
12 Colonel IMAMURA, the then chief of the Enlistment
13 Section of the War Ministry, which is included in the
14 addended material. According to this note, a large
15 section of public opinion was for the adoption of
16 these systems in those days and the bill was carried
17 unanimously in both Houses of Parliament. This note
18 shows how the popular feelings, especially the spirit
19 of the youths were deplorably bad in those days. The
20 above is an explanation of the manner in which these
21 systems were adopted."

22 We omit the next sentence.

23 "The Instruction No. 5 of the Education
24 Ministry, which was issued on April 13, 1925, explained
25 the purpose in adopting training in schools as follows:

YOSHIDA

DIRECT

1 'The training in schools has for its object
2 the physical and mental discipline of the students
3 and elevation of character; in other words, it aims
4 at fostering patriotic feeling, the spirit of self-
5 sacrifice, independence and self-reliance and cul-
6 tivating the habit of discharging their responsibility
7 well, using moderation, obeying orders and developing
8 physically. Further, it aims at fostering an indom-
9 itable spirit.'

10 "As for youth training, its aim was made
11 clear by the speeches delivered by the Minister of
12 Education and the War Minister at the meeting of
13 Major Generals attached to the Headquarters of the
14 Divisions, which was held in December 1925. 'I real-
15 ized keenly the necessity for youth training, devel-
16 opment of sound mind and body and elevating of charac-
17 ter. Therefore, I am planning to put these systems
18 into effect.' The War Minister stated, 'The object
19 of youth training is exactly the same as that of
20 training in schools; its aim is physical and mental
21 discipline, fostering of esprit de corps and elevation
22 of character. This training falls into the category
23 of national education and not, as is generally mis-
24 understood, training for military purposes. Once this
25 training is universally propagated, the character and

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1 constitution of the youths who are to join the Army
2 will be improved and this in turn will lead to the
3 improvement of character and constitution of other
4 youths. In that case, this training will do much
5 towards the strengthening of national defense.'

6 "At the meeting of some members of the House
7 of Peers which was held in 1930, Colonel IMAMURA, the
8 then chief of the Enlistment Section of the War Min-
9 istry explained the condition of national training
10 in Europe and America and the reason why these two
11 systems came to be adopted in Japan. At the same time,
12 he stated the aims of this training as follows: (see
13 attached sheet 3)

14 "As is clear from all circumstances under which
15 these systems were adopted, we believed that it would
16 be most simple and effective to adopt military drill
17 as a course of the school in order to foster the
18 spirit of fortitude, and to cultivate the habit of
19 observing discipline and decorum, valuing labor, as
20 well as to develop physical education and thus to
21 elevate the nation's character. The military author-
22 ities had not the slightest intention of forcing this
23 military training to be adopted. Now, I shall explain
24 why officers on the active list came to be attached
25 to the schools: Military drill which had been adopted

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1 as a school course as early as 1886 by MOHI, the then
2 Minister of Education, became existent in name only
3 since the end of the Meiji era. The main reason why
4 it had no beneficial effect on the discipline of the
5 students was that the students ceased to place confi-
6 dence in the retired officers in charge of this
7 training. In view of this fact, we concluded that,
8 if school training was to be developed, officers on
9 the active list had to be attached to the schools.
10 Therefore, the military authorities believed that
11 physical and mental discipline of the students through
12 training in schools and youth training would result
13 in the strengthening of national defense. At the
14 same time, on the basis of the above forecast, they
15 arrived at the conclusion that the reduction of the
16 period of active service could not adversely affect
17 the education in the Army. Thus, the military
18 authorities were willing to agree to the proposals
19 of the Education Ministry. This training was essen-
20 tially to be carried out under the guidance and control
21 of the school directors, and at the same time it com-
22 prises a social education under the control of the
23 departments responsible in the Education Ministry
24 as well as the prefectural authorities. The military
25 authorities maintained an attitude of utmost

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1 cooperation in this program and assistance to it."

2 We now omit the next twelve lines.

3 "We used to be extremely cautious in warning
4 the officers attached to the schools to be careful
5 not to give rise to public misunderstanding. The
6 Instructions No. 5 of the Education Ministry, April 13,
7 1925 (see attached sheet 1), the excerpt from the
8 speeches delivered by the Minister of Education and
9 the War Minister at the meeting of Major Generals
10 attached to the Headquarters of the Divisions which
11 was held in December 1925 (see attached sheet 2) and,
12 the excerpt from the speech delivered by Colonel
13 INAMURA, the then chief of the Enlistment Section
14 of the War Ministry, at the meeting of some members
15 of the House of Peers which was held in 1930, (also
16 attached.)

17 "2. Development of training in schools and
18 youth training.

19 "(1) Spirit directed toward a definite aim -
20 its inauguration.

21 "As was stated in the preceding chapter, the
22 main object of school training and youth training was
23 to discipline physically and mentally the students and
24 youths at large. The acquisition of knowledge of
25 fighting technique was, so to speak, nothing more than

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1 a by-product of the enforcement of training.

2 "At the meetings of the officials concerned,
3 which were held annually by the central administrative
4 agencies, they would direct their attention to this
5 object. In this connection at the meeting of Major
6 Generals attached to the Headquarters of the Divisions
7 which was held in 1925, the War Minister and others
8 stated in their speeches that school training should
9 be carried out for purely educational purposes and
10 not for military purposes. At the same meeting they
11 stated, 'Indeed, one of the objects of school training
12 is to strengthen national defense, but this is not
13 the immediate object. It is contrary to its true aim
14 to be eager to acquire military technique in the
15 extremely concrete sense. Thus, I hope you will under-
16 stand that the true spirit of this system aims at
17 bringing up a healthy man, both physically and mentally.'

18 "As for the strengthening of national defense,
19 the War Minister stated in his speech delivered at the
20 conference of prefectural governors held in 1926,
21 'Once youth training is universally inculcated and
22 the elevation of the character of our youth is accom-
23 plished, the Army, a part of the national organization
24 will derive much benefit from it, because, in that
25 case, many physically and mentally healthy youths will

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1 join the Army. This will raise efficiency of training
2 in peacetime and will increase the fighting strength
3 of the Army in case of emergency.

4 "Once the youth is disciplined physically
5 and mentally and improvement in character brought
6 about, the Army will be sure to derive much benefit
7 from it. Therefore, we arrived at the conclusion
8 that, so long as there are sufficient establishments
9 in the barracks, the reduction of the period of active
10 service will not affect national defense adversely."

11 Omit the next sentence.

12 "(2) After the China Incident.

13 "In view of the war situation after the out-
14 break of the China Incident, the nation at large, es-
15 pecially the teachers and students, naturally awoke
16 to the importance of national defense. As the war
17 situation developed and due to its suddenness, these
18 two types of training inevitably came to be carried
19 out. On the other hand, the number of officers attached
20 to the schools, training teachers and of teachers of
21 the youth training schools who were called to the colors
22 increased gradually. As a result, teachers in charge
23 of training became scarce, which prevented training
24 from being carried out smoothly.

"Nevertheless, in order to meet the demands

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1 of the times and comply with the wishes of the
2 prefectural offices, the military authorities placed
3 the Special Volunteer Officers in charge of training
4 of the schools and at the same time ordered officers
5 who had been attached to the schools to assist the
6 youth training schools in their training. Thus, the
7 military authorities did everything in their power
8 to overcome difficulties encountered in carrying out
9 training.

10 "In addition, in view of the lessons we had
11 learned from the fighting at the outset of the China
12 Incident, we were obliged to reorganize the military
13 cadet system; that is, one year system was extended
14 to two years, the privilege of the reduction of
15 the period of active service which had been enjoyed by
16 those who had passed the examination of the youth
17 training schools was abolished. In 1929 'the youth
18 training school' was renamed 'the youth school' and
19 it became a compulsory course. In order to carry out
20 actively the training of the students of the universi-
21 ties which had been inactive, the training became a
22 compulsory instead of an optional course. In addition,
23 the circumstances caused the students to take much more
24 interest in military affairs than ever before. In view
25 of the fact that the war situation demanded the repletion

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24 interest in military affairs than ever before. In view
25 of the fact that the war situation demanded the repletion

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1 of armaments and from fifteen years experience since
2 the establishment of this system, the military authori-
3 ties consulted with the Educational Minister about the
4 system. As a result, the outlined program of instruc-
5 tion in the schools to which officers on the active
6 list were attached was amended and the Instructions
7 No. 5 of the Educational Ministry was issued."

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Omit the first line on page 11.

"The object of training was made clear in the revised outlined program of instruction as follows:

"The object of training is to give basic military training to students and to cultivate the spirit of sincerity and loyalty and to carry out the physical and mental training, thereby raising the standard of character and strengthening national defense."

"Thus, the rule was laid down by which students were to be guided in training. Since in the past we had made it a practice to warn the students not to be restricted to the non-important details of military technique, the students were apt to neglect the most simple matters which formed the basis of training. Therefore, this trend seemed likely to produce a harmful effect on the mental training which should be carried out side by side with physical training. Thus, we realized the necessity of pursuing the basic training in a strict and orderly manner and disciplining the students physically and mentally.

"(2) Persons in Charge of Training.

"As for the officers attached to the schools, the authorities endeavoured to select capable officers. In addition, preliminary education was given

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1 to officers who were expected to be attached to the
2 schools to take the place of other officers. In the
3 War Ministry, the section in charge of this training
4 was established. In the Headquarters of the Divi-
5 sions, Major Generals attached to them were placed
6 in sole charge of school training. In the Head-
7 quarters of the Regimental Districts, the section in
8 charge of youth training had been well organized.
9 Therefore, they strove to establish this system.
10 Nevertheless, because of the fact that a large number
11 of officers on the active list went to the front
12 after the outbreak of the China Incident, the prin-
13 ciple 'One school, one officer' had to be replaced by
14 the principle 'Several schools, one officer.' In
15 order to fill up vacancies, we appointed retired
16 officers and special volunteer officers. But this
17 did not sufficiently relieve the situation. At length,
18 we were obliged to attach one officer to several
19 schools. What was worse, the abilities of these
20 officers showed a marked decline, which became the cause
21 of the stagnation of training in schools.

22 "(3) Training Curriculum.

23 "1. Teaching materials of training in schools.

24 "Teaching materials were individual drill,
25 force drill, marksmanship, field duty, semaphore

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1 signalling, distance-surveying, cartography and
2 lectures on military affairs. There had been some al-
3 terations since the establishment of the system. I
4 had already stated in the foregoing chapter that the
5 training by means of these teaching materials chiefly
6 aims at disciplining students physically and mentally
7 instead of aiming at acquisition of military technique.
8 In order to make this aim clear, the military authori-
9 ties repeatedly explained this point to officers
10 attached to the schools, the divisional commanders,
11 major generals attached to the Headquarters of the
12 Divisions and regimental commanders who were directly
13 concerned with school training. Excerpts from these
14 speeches are given on attached sheet 4.

15 "2. Hours of drill in a week and days of field
16 exercise in a year.

17 "as for the hours of drill in a year, two to
18 three hours in the case of the middle schools, one and
19 a half hour in the colleges and high schools, and
20 school training was an optional course in universities.
21 In addition, it was stipulated that field exercises
22 should be carried out for four to six days annually
23 and that the students of the normal schools should take
24 a short course in military affairs for three weeks
25 before their graduation."

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Omit the balance of this page.

"Training hours amended in 1941, which were longest, are as follows:

		Teaching Hours in a Week	Teaching Hours in a Year	Days of Field Exer- cise in a Year
	)The 1st Grade	2	70	4
	)The 2nd Grade	2	70	4
Middle School	)The 3rd Grade	3	100	5
	)The 4th Grade	3	100	5
	)The 5th Grade	3	90	(5)
High School	)The 1st Grade	2	70	7
and College	)The 2nd Grade	2	70	7
	)The 3rd Grade	2	60	(7)
University	)The 1st Grade	2	60	7
	)The 2nd Grade	2	60	7
	)The 3rd Grade	2	60	(7)

"The parenthesized passages show the hours of the course of military affairs."

We omit No. 3, jump to No. 4.

"4. Creation of exceptions to school training in the form of special training and glider training.

"Training in machine guns, infantry guns, field guns, mountain guns, tanks and aviation had been carried out in compliance with the wishes of individual students since 1936 through the assistance of military units in various districts in which their schools were situated. This system was newly established as an exception to school training in 1941, and thus the students were

1 enabled to receive this training in place of general
2 training.

3 "(3) Responsibility for Carrying out the
4 System.

5 "1. School Military Training.

6 "1. School training was a part of school
7 education. (At first it belonged to the gymnastics
8 course, but the school training course was created
9 independently of gymnastics in 1939.) The directors
10 of the schools were responsible for the enforcement of
11 it under the control and guidance of the Education
12 Ministry, the same as for the enforcement of other
13 education.

14 "2. Regarding the enforcement of such matters
15 as the outlined program of instruction which were
16 directly concerned with both the Education Ministry
17 and the War Ministry, it was customary that, after
18 agreement was reached between them, the Education
19 Ministry issued the notifications concerning them to
20 various schools. (There were differences in importance
21 according to Ordinances of the Education Ministry,
22 instructions and notifications, as the case may be.)

23 "3. On the other hand, the War Ministry held
24 itself responsible for the inspection and authorization
25 of school training, the enforcement of which was based

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1 on 'the regulation concerning training inspection of
2 the schools to which the officers on the active list
3 are attached' and 'the regulation concerning the
4 authorization of school training.'

5 "4. Based on the ordinance concerning the
6 service of the officers on the active list in the
7 school (Imperial Ordinance No. 135, April 13, 1925),
8 officers on the active list were attached to the
9 schools according to the ordinance concerning the
10 service of officers on the active list in the school
11 (Ordinance of the Education Ministry and of the War
12 Ministry, April 13, 1925). Therefore, according to
13 the provision of Article I of the regulation relative
14 to the application of the laws, the Education Ministry
15 collected the inspection reports and written applica-
16 tions of various schools which were presented by
17 directors or founders of these schools, and presented
18 them together with its own written opinion to the War
19 Ministry every April and consulted with it. After
20 agreement was reached between them, the War Ministry
21 notified the public of the schools to which officers
22 on the active list should be attached for the year.
23 Therefore, the War Ministry never decided on these
24 schools on its own authority or forced others to comply
25 with its decisions.

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1 "5. The War Ministry took charge of personnel
2 affairs and the education of officers attached to the
3 schools. Similarly, it took charge of the appointment
4 and dismissal of these officers and from time to time
5 gave detailed instructions to the schools under the
6 guidance of the Army concerning the enforcement of
7 training from its own special standpoint. Above all,
8 for the purpose of improving the technical skill which
9 is essentially necessary for the officers, education
10 was carried out by the units to which they belonged at
11 some appropriate period in the year.

12 "6. The War Ministry bore only the personnel
13 expenses of those officers attached to the schools and
14 the Education Ministry or the schools bore the expenses
15 of the school training.

16 "As for the sale of rifles and ammunition used
17 in training, the War Ministry sold them at cost price
18 according to the provision of the Weapons Sale Regulation.
19 However, as weapons had been in great demand since the
20 outbreak of the China Incident, many schools bought
21 and used infantry rifles of the NAMBU type and light
22 machine guns of the NAMBU type which were manufactured
23 by private companies.

24 "2. Youth Training.

25 "Youth training was under the jurisdiction of the

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1 Education Ministry and the prefectural government
2 offices. Therefore, the military authorities merely
3 cooperated and assisted from the side lines.

4 "(4) Relation of these Two Types of Training
5 to Military Service.

6 "There had been a cry for the reduction of
7 the period of active service of those who finished the
8 middle school course, but it was stated in the speeches
9 at the time of the adoption of this system that the
10 privilege of the reduction of the period of active
11 service was not compensation for the completion of
12 the course of training. The following list testifies
13 to this fact."

14 We now skip to the top of page 22.

15 "5. The effect which this system produced
16 on the students.

17 "1. The effect which this system produced on
18 the cultivation of moral character of the students.

19 "The rigorous enforcement of training had
20 remarkably beneficial effect on the physical and mental
21 discipline of the students. For example, when the
22 students of a certain higher commercial school inspected
23 a factory, the factory praised them for their conduct
24 which was far more orderly and disciplined than ever
25 before. Similarly, the railway authorities praised

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1 the students for their manners in the trains, which
2 were entirely changed and which had a beneficial
3 effect on public morals. Virtues exhibited by the
4 students, such as courtesy, respect for the old,
5 simplicity, indefatigable assiduity, strong sense
6 of responsibility and cooperation, came to be regarded
7 by men of intelligence as resulting from school
8 training. In the case of the students of high schools,
9 colleges and universities, however, the results fell
10 far short of expectations.

11 "2. The effect which this training exerted
12 on school morals and school discipline.

13 "In connection with this system, many
14 prefectural and school authorities attempted to
15 organize the educational organs well so the school
16 training might produce a beneficial effect on the
17 students."

18 We skip to the first sentence, the next page.

19 "However, as stated above, while some high
20 schools, colleges and universities realized the
21 anticipated results under the guidance of their
22 direction in most schools the results fell short of
23 our expectations. Especially, the applicants for
24 training from universities were fewer because training
25 was an optional course up to 1939. Therefore,

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1 except students who took the course of training in
2 earnest, most students were as indifferent to training
3 as before.

4 "3. The improvement of health and the effect
5 of physical training.

6 "We had been concerned about the fact that,
7 as shown by the physical examinations for conscription,
8 the health of the students had been by far inferior
9 to those of the youths in general. However, during
10 ten years since the enforcement of training, the health
11 of the students had gradually improved."

12 That concludes the reading of the affidavit.

13 THE PRESIDENT: Well, it is too late to proceed
14 to the further examination.

15 We will adjourn until half-past nine on
16 Monday.

17 (Whereupon, at 1555, an adjourn-
18 ment was taken until Monday, 17 March 1947,
19 at 0930.)
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21
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24
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